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4 IN THE UNITED STATES DISTRICT COURT
5 FOR THE WESTERN DISTRICT OF WASHINGTON
6 AT SEATTLE

7 HSBC Bank USA, N.A., as Trustee for
8 Structured Adjustable Rate Mortgage Loan Trust
9 Mortgage Pass-Through Certificates, Series
10 2004-14,

11 Plaintiff,

12 vs.

13 DANIEL A. NIX, an individual; SUNSET OUTREACH;
14 JP MORGAN CHASE BANK, N.A., STATE OF
WASHINGTON;

15 Defendants.

Case No. C18-0490 RSM

ORDER OF REMAND

16 THIS MATTER came before the Court on Plaintiff, HSBC Bank USA, N.A., as Trustee
17 for Structured Adjustable Rate Mortgage Loan Trust Mortgage Pass-Through Certificates, Series
18 2004-14's ("HSBC Bank") Motion to Remand the case to the Superior Court. Dkt. #7.
19 Defendant Nix has failed to respond to the motion.

20 Pursuant to this Court's Local Civil Rules, "[e]xcept for motions for summary judgment,
21 if a party fails to file papers in opposition to a motion, such failure may be considered by the
22 court as an admission that the motion has merit." LCR 7(b)(2). The Court considers Defendant
23 Nix's failure to respond to be such an admission in this case.


24 Further, for the reasons set forth in Plaintiff's motion, the Court agrees that remand is
25 warranted, particularly given that Defendant Nix's removal was untimely, Defendant Nix was in
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1 default prior to his removal and therefore was not allowed to participate in the case at the time of
2 removal, and none of the other Defendants joined in the removal. *See* Dkt. #7.

3 Accordingly, the Court hereby ORDERS:

- 4 1. Plaintiff's Motion to Remand (Dkt. #7) is GRANTED and this case is remanded
5 to King County Superior Court.
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7 2. This matter is now CLOSED.

8 DATED this 4th of May 2018.

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11 RICARDO S. MARTINEZ
12 CHIEF UNITED STATES DISTRICT JUDGE
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17 Presented by:

18 /s/ Kathy Shakibi

19 Kathy Shakibi, WSBA #49381
20 Attorney for Plaintiff,
21 HSBC Bank USA, N.A.,
22 as Trustee for Structured Adjustable
23 Rate Mortgage Loan Trust Mortgage
24 Pass-Through Certificates, Series 2004-14
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